

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 2. ADMINISTRATION

#### CHAPTER 11. DEPARTMENT OF ADMINISTRATION PUBLIC BUILDINGS MAINTENANCE

##### PREAMBLE

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| <b><u>1. Sections Affected</u></b><br>R2-11-309 | <b><u>Rulemaking Action</u></b><br>Amend |
|---|--|
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statutes: A.R.S. § 41-791  
Implementing statutes: A.R.S. § 41-791
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**  
Notice of Rulemaking Docket Opening: 10 A.A.R. 31, July 30, 2004
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Claudia R. Smith, Human Resources Consultant  
Address: Department of Administration  
Human Resources Division  
100 N. 15th Ave., Suite 261  
Phoenix, AZ 85007  
Telephone: (602) 542-4894  
Fax: (602) 542-2796  
E-mail: Claudia.Smith@ad.state.az.us
- 5. An explanation of the rules, including the agency's reasons for initiating the rules:**  
This rulemaking will amend the exemption provisions to allow a recognized employee association comprised principally of employees of state government to apply for a permit to conduct solicitation activities at a work site.
- 6. A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rules or proposes not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None
- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
The proposed rulemaking affects State Service employees only and will not have an impact on small businesses and consumers. Any financial impact or administrative expenses should be covered by ordinary operating funds.
- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Notices of Proposed Rulemaking

Name: Claudia R. Smith, Human Resources Consultant  
Address: Department of Administration  
Human Resources Division  
100 N. 15th Ave., Suite 261  
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**10. The time place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding is not scheduled for these proposed rules. To request an oral proceeding or to submit comments, please contact the human resources consultant listed in item #4 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except Arizona legal holidays. If a request for an oral proceeding is not made, the public record in this rulemaking will close at 5:00 p.m. on October 6, 2004.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 2. ADMINISTRATION**

**CHAPTER 11. DEPARTMENT OF ADMINISTRATION**

**PUBLIC BUILDINGS MAINTENANCE**

**ARTICLE 3. SOLICITATION**

**R2-11-309. Exemptions**

**A.** This Article does not apply to the following state programs:

1. The State Deferred Compensation Program,
2. The State Employees Charitable Campaign,
3. The U.S. Savings Bond Drive,
4. The United Blood Services Blood Drive,
5. The Capitol Rideshare Commuter Club,
6. The Capitol Rideshare Clean Air Campaign,
7. The Employee Wellness Program, and
8. Employee recognition programs of each agency subject to these rules.

**B.** Recognized associations comprised principally of employees of state government may apply under this Article for a permit to conduct a solicitation at a work site.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 19. BOARD OF NURSING**

**PREAMBLE**

**1. Sections affected**

R4-19-201  
R4-19-202  
R4-19-203  
R4-19-204  
R4-19-205  
R4-19-206  
R4-19-207

**Rulemaking action:**

Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend

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R4-19-208	Amend
R4-19-209	Amend
R4-19-210	Amend
R4-19-211	Amend
R4-19-212	Amend
R4-19-214	Amend
R4-19-215	New Section

**2. The specific statutory authority for the rulemaking, including both the authorizing statute (general) and the implementing statute (specific):**

Authorizing statutes: A.R.S. §§ 32-1606(A)(1) and 32-1606(B)(1), (2) and (3)

Implementing statutes: A.R.S. §§ 32-1644 and 32-1631(3)

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 10 A.A.R. 506, February 13, 2004

**4. Name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Pamela K. Randolph  
Address: Board of Nursing  
1651 E. Morten, Suite 210  
Phoenix, AZ 85020  
Telephone: (602) 889-5209  
Fax: (602) 889-5155  
E-mail: prandolph@azbn.org

**5. An explanation of the rules, including the agency's reasons for initiating the rulemaking:**

The Board of Nursing (Board) is initiating rulemaking on Sections of Article 2 in response to a request from a nationally accredited educational institution that the Board amend the rules to allow a nationally accredited parent institution to offer a nursing program and better clarify existing rules. The Board currently restricts nursing programs to regionally accredited institutions. The International Institute of the Americas presented compelling evidence regarding the comparability of regional accreditation to accreditation by the Accrediting Council of Independent Colleges and Schools, a national accrediting body recognized by the U.S. Secretary of Education. The Board is amending R4-19-201 to allow any nationally accredited post-secondary school to seek Board approval to offer a nursing program. Other Sections in the Article are amended to enhance clarity, measurability, and applicability to non-regionally accredited institutions. The following changes are being proposed:

R4-19-201

The Board is amending this Section to allow a post-secondary institution that is accredited by an accrediting body recognized by the U.S. Secretary of Education to apply for a nursing program. In a survey of all Boards of Nursing in the US, it was noted that Arizona was one of seven Boards of Nursing that required the parent institution of a nursing program to be regionally accredited. Fourteen boards require no accreditation for the parent institution. Twenty-five boards require some sort of approval or accreditation but do not restrict the accrediting body to a regional accrediting agency. Two boards of nursing require that programs be offered in a college or university. One board requires the nursing program to be nationally accredited by the National League for Nursing Accrediting Council (NLNAC) or the Commission on Collegiate Nursing Education (CCNE). In amending this Section, the Board will be substantially consistent with approximately half of the boards of nursing in the United States. The Board believes that accreditation of the institution is important in assuring that the education provided conforms to national standards. Regional accreditation offers the advantage to the student of transferability of credits and adherence to rigorous standards for higher education. However, national accreditation standards are similar to regional accreditation, as shown in a document presented by the International Institute of the Americas (Roe, S. *Comparison of North Central Association of Colleges and Schools Commission on Institutions of Higher Education Accreditation Criteria and Standards with the Accrediting Council for Independent Colleges and Schools Accreditation Criteria [2000].*) The U.S. Department of Education recognizes both national and regional accreditation for funding purposes. By recognizing the same institutions that are recognized by the U.S. Department of Education, trade and vocational schools will be able to offer nursing programs in Arizona. Currently there is a need for additional placements for students in nursing programs. The Board will protect the safety of the public through the other rules in this Article that require all nursing programs to adhere to minimum standards.

The requirement that a parent institution appoint an administrator was added to this Section. The Board received a recent inquiry as to whether an administrator of one institution's nursing program could function as an administrator of another institution's nursing program at the same time. The Board believes that the position of administrator requires a commitment to the parent institution and the program.

**Notices of Proposed Rulemaking**

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The requirement that policies be reviewed on a regular basis is deleted because it was believed that this area is adequately covered in subsection (I) and not believed to enhance public protection.

R4-19-202

Amendments in this Section include increasing the specificity for classroom requirements that enhance learning. Some parent institutions have not provided adequate classrooms for their nursing classes in the past. These specific requirements will serve to inform the parent institutions that classrooms must meet minimal standards.

R4-19-203

This Section was amended to require the administrator of a nursing program to establish policies to ensure that students, faculty, and preceptors are physically and mentally able to provide safe client care and instruction. The Board has received reports of students caring for patients in clinical practice settings while exhibiting obvious signs of impairment. The programs cite a lack of policy as the reason they must allow students to provide care in such situations. This amendment will ensure that all programs have policies to protect patients when caregivers are unable to provide safe care.

R4-19-204

The teaching load provision of this subsection was amended to clarify and ensure that the program employs sufficient faculty to accomplish program goals. Clinical supervision guidelines for faculty were further enhanced in order to delineate the parameters that a program must consider in providing supervision of students in clinical areas. The role of faculty in developing and implementing the program of learning and determining admission and progression standards was strengthened in this Section. A recent trend has been seen in the state where nursing programs have been forced to accept students without the basic reading and math skills needed to understand nursing textbooks and drug dosage calculations. The Board believes that the program faculty and administrator are in the best position to determine the standards for progression and admission due to their familiarity with the nursing role and requirements.

R4-19-205

Subsection (A) was simplified and the criteria for policies deleted as most policies in reality do not address these issues and they are addressed elsewhere in the rules. These criteria are not believed to be important to protection of the public. A new subsection was added to ensure that students have access to appropriate information as to the nature, cost, length, transferability of credits, and teaching methods before entering a program so they can make an appropriate choice. The Board believes that this amendment will serve to better inform those members of the public seeking nursing education and guide programs as to the information that must be provided to students.

R4-19-206

A definition of clinical instruction was added to this Section. The Board has received reports of programs that have little or no clinical instruction except on-line or in a laboratory. While these experiences can enhance a student's learning, the Board believes that these enhancements do not substitute for hands-on patient care.

The Board further delineated curricular elements needed for a program. Some programs develop program goals, but have not developed courses that reflect program goals. Essential content important to safe patient care can be missed in such situations. The Board believes that what is actually taught in a course is of equal importance to the safe nursing care that a graduate provides according to the overall goals of the program.

Many programs are attempting to control costs by eliminating clinical experiences, especially clinical experiences in the specialty areas. The Board believes that every nursing student needs clinical instruction in core areas of practice. The Board believes that the programs need the flexibility, however, to determine the amount of clinical learning for each type of patient and setting.

R4-19-207

Minor technical and grammatical changes were made to this Section. Clarity was added in providing that faculty be named 60 days before a new program starts classes. This will allow faculty time to develop curriculum, lectures, and learning materials and orient themselves to the clinical setting.

R4-19-208

Technical changes to clarify the statute citation were made.

R4-19-209

Technical changes to clarify the statute citation were made.

R4-19-211

Changes to this Section were made to incorporate recent changes in A.R.S. § 32-1644.

R4-19-212

Technical changes to clarify the statute citation were made.

R4-19-214

Standards for refresher courses are amended to increase clarity and specificity. An option was added to this Section that allows an entity to offer a nurse-refresher course in an area other than medical-surgical nursing. This will allow for greater flexibility in meeting the educational needs of nurses returning to the workforce in non-traditional roles. Curriculum requirements were revised to reflect common standards and the length of the didactic portion on an RN refresher course was increased based on feedback from refresher course administrators that the time allotted for the content was insufficient.

R4-19-215

This new rule is proposed to address distance and out-of-state programs that wish to offer nursing education to students in Arizona. The Board has had three inquiries and one application for approval for out-of-state programs in the past year. The requirements in rule will ensure that these programs meet standards of the Board and are under Board jurisdiction.

6. **A reference to any study relevant to the rules that the agency reviewed and either proposes to rely on or not to rely on in its evaluation of or justification for the rules, and where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

7. **A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

8. **The preliminary summary of the economic, small business, and consumer impact:**

The Arizona State Board of Nursing licenses and regulates approximately 40,000 registered nurses, 10,000 licensed practical nurses, and 25,000 nursing assistants. Additionally the Board oversees 19 nursing programs and approximately 175 nurse assistant programs.

This rulemaking is not expected to have a direct economic impact on any regulated entity. The initiation of the rulemaking process was related to a request for a new nursing program by a private, non-regionally accredited school to offer a nursing program, which is prohibited by current rules. The rules are expected to benefit this category of schools by allowing them the opportunity to offer a nursing program. However, the rules do not require any entity to offer a nursing program. Other amendments to the rulemaking are intended to clarify the requirements for a nursing program and respond to the increased use of distance learning programs.

The Board currently oversees four LPN programs, ten associate degree RN programs, and five baccalaureate RN programs. The Board has issued six notices of deficiency in the past four years and conducted additional onsite investigations of three nursing programs that resulted in increased surveillance by the Board. In the past four years, the Board has also approved two new LPN programs, two new RN program sites, and two new RN programs. It is expected that an additional four to five parent institutions will apply for approval upon implementation of these rules. Approval of a nursing program requires the intense involvement of a Board Education Consultant for a minimum of 40 hours at minimum cost to licensees of \$1,200 in salary and benefits. After initial approval, the Board Education Consultant will bear the additional burden of monitoring and responding to complaints about the program. The Board will need additional resources with clerical duties, reimburse travel, and cover copying costs. The Board itself will also have increased work reviewing, approving, and monitoring programs at their regular meetings. Each extra meeting day that is required results in an additional expense of \$1,800 and per diem expenses for Board members.

Currently Arizona is experiencing a shortage of qualified faculty members. This rulemaking may exacerbate the shortage by increasing the competition for faculty. Salaries for qualified faculty are expected to increase as an indirect result of this rulemaking.

Many nursing programs have waiting lists due to an increase in qualified applicants and a shortage of available placements. This rulemaking may make it easier for a prospective student to find a nursing program, but may increase the cost. It is expected that private schools will charge sufficient tuition and fees to cover costs. As faculty shortages grow and faculty salaries increase, public institutions may not continue to offer low-cost programs to students. The Board is aware of programs, both nationally and within the state, that are contemplating or are charging additional fees to nursing students to cover the costs of the program. This cost may be partially offset by the fact that a student may be able to complete a program sooner than the present situation allows, given a wider range of program choice.

The length of time of the didactic portion of an RN refresher course was increased. The Board received information from refresher course sponsors that 60 hours was an insufficient amount of time to cover all curriculum elements. Most programs already have at least 80 hours of didactic instruction. One program, that pays students an hourly wage to take the course, expressed concern over the cost to them in providing 20 additional hours of instruction. The Board believes that the benefits of the extra instruction justify any additional expense incurred. Additionally the Board does not require programs to pay students for the course and does not regulate any fees charged.

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**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Pamela K. Randolph  
Address: State Board of Nursing  
1651 E. Morten, Suite 210  
Phoenix, AZ 85020  
Telephone: (602) 889-5209  
Fax: (602) 889-5155

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is schedule, where, when, and how many persons may request an oral proceeding on the proposed rule:**

The Board has scheduled a public hearing on the proposed amendments to Article 2 on October 15, 2004 at 9 a.m. in the Board offices. The Board will accept written comments submitted to the Ms. Randolph until the close of record on October 15, 2004, at 5:00 p.m.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Any material incorporated by reference and their location in the rules:**

Not applicable

**13. The full text of the rule follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 19. BOARD OF NURSING**

**ARTICLE 2. ARIZONA PROFESSIONAL AND PRACTICAL NURSING PROGRAMS**

Section

- R4-19-201. Organization and Administration
- R4-19-202. Resources, Facilities, Services, and Records
- R4-19-203. Administrator; Qualifications and Duties
- R4-19-204. Faculty; Personnel Policies; Qualifications and Duties
- R4-19-205. Students; Policies and Admissions
- R4-19-206. Curriculum
- R4-19-207. Application for Provisional Approval of a Nursing Program
- R4-19-208. Application for Full Approval of a Nursing Program
- R4-19-209. Nursing Program Change
- R4-19-210. Renewal of Approval of Board-approved Nursing Programs
- R4-19-211. Rescission of Approval of a Nursing Program or a Refresher Program
- R4-19-212. Nationally Accredited Nursing Programs
- R4-19-214. Approval of a Refresher Programs Program
- R4-19-215. Distance Learning Nursing Programs; Out-of-State Nursing Programs

**ARTICLE 2. ARIZONA PROFESSIONAL AND PRACTICAL NURSING PROGRAMS**

**R4-19-201. Organization and Administration**

- A. The parent institution of a nursing program shall be ~~regionally~~-accredited as a post-secondary institution, college, or university, by an accrediting body that is recognized as an accrediting body by the U.S. Department of Education.
- B. A nursing program shall have a written statement of mission and goals consistent with those of the parent institution and compatible with current concepts in nursing education.
- C. A nursing program shall be an integral part of the parent institution and shall have ~~comparable~~ equivalent status with other academic units of the parent institution.
- D. The parent institution shall center the administrative control of the nursing program in the nursing program administrator.
- E. A nursing program shall ~~maintain~~ provide an organizational chart that identifies the relationships, lines of authority, and channels of communication within the program, and between the program and the parent institution.
- F. A nursing program shall have a written agreement between the program and each clinical ~~facility~~ agency where clinical experience is provided to the program's students that:

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1. Defines the rights and responsibilities of both the clinical ~~facility~~ agency and the nursing program,
  2. Lists the role and authority of the governing bodies of both the clinical ~~facility~~ agency and the nursing program,
  3. Allows faculty members of the program the right to ~~participate in select~~ selecting learning experiences for students, and
  4. Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.
- G. A nursing program shall have written policies that provide a mechanism for student input into the development of academic policies and procedures and participation in the evaluation plan.
- H. ~~An administrator of a nursing program shall provide evidence that written policies and procedures of the program are reviewed on a regular schedule. The parent institution shall appoint a nursing program administrator who meets the requirements of R4-19-203.~~
- I. A nursing program shall have a written plan for the systematic evaluation of the total program. The plan shall include the methodology, frequency of evaluation, assignment of responsibility, and evaluative criteria. The following areas shall be evaluated:
1. ~~Organization and administration of the program~~ Internal structure of the program, its relationship to the parent institution, and compatibility of program policies and procedures with those of the parent institution;
  2. Mission and goals;
  3. Curriculum;
  4. Education facilities, resources, and services;
  5. Clinical resources;
  6. Student achievement of program educational outcomes;
  7. Graduate performance on the licensing examination;
  8. Faculty performance; and
  9. Protection of patient safety.
- J. A nursing program shall notify the Board of a vacancy or pending vacancy in the position of nursing program administrator within 15 days of the program's awareness of the vacancy or pending vacancy and do the following:
1. Appoint an interim administrator or a permanent administrator who meets the requirements of R4-19-203(A) within 15 days of the effective date of the vacancy, and
  2. Notify the Board of the appointment of an interim or permanent administrator within 15 days of appointment and provide a copy of the administrator's credentials to the Board.

**R4-19-202. Resources, Facilities, Services, and Records**

- A. The parent institution of a nursing program shall consider the size of the program faculty and number of program students and shall provide facilities for the program that meet the following requirements:
1. A private office for the administrator of the nursing program;
  2. Faculty offices that are conveniently located and comparable to other faculty offices of the parent institution;
  3. Space for private faculty-student conferences;
  4. Space for clerical staff, records, files, and equipment;
  5. ~~Facilities including Classrooms~~ classrooms, learning laboratories, and conference rooms that provide seating for students enrolled in a course, accommodate audio-visual materials, are free of distractions, and are of the size and type necessary to meet the educational purposes for which the rooms are used; available at the time needed, and equivalent in size, number, and type to facilities provided by approved programs of equivalent size, or, in the case of no equivalent program, scaled relative to an approved program;
  6. Acoustics, lighting, ventilation, plumbing, heating and cooling, seating arrangements, location, storage, and supplies to simulate patient care equivalent to those provided by approved programs of equivalent size and scope, or in the case of no equivalent program, scaled relative to an approved program;
  - ~~6-7. Secretarial and clerical support personnel to assist the administrator and faculty; and~~
  - ~~7-8. Access to a collection of educational materials and resources that are current and sufficient to meet program goals and the needs of the students and faculty equivalent to materials and resources provided by an approved program of equivalent size or scope, or, in case of no equivalent program, scaled relative to an approved program. The parent institution shall establish reasonable hours for access to the collection and ensure a convenient location for viewing the educational materials and resources.~~
- B. A nursing program shall maintain current and accurate records of the following:
1. Student records, including admission materials, courses taken, grades received, scores in any standardized tests taken, and health and performance records;
  2. Faculty records, including Arizona professional nursing license number, evidence of fulfilling the requirements in R4-19-204, and performance evaluations ~~for or~~ for faculty employed by the parent institution for one or more years;
  3. Minutes of faculty and committee meetings;
  4. Administrative records and reports from accrediting agencies; and

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5. The statement of mission and goals, current curriculum, and course outlines.

**R4-19-203. Administrator; Qualifications and Duties**

- A. A nursing program shall appoint an administrator who holds a current Arizona registered nurse license in good standing or multi-state privilege to practice in Arizona under A.R.S., Title 32, Chapter 15 ~~professional nursing license that is active and in good standing under A.R.S. Title 32, Chapter 15 and~~:
1. For professional nursing programs, a graduate degree with a major in nursing; or
  2. For practical nursing programs, a baccalaureate degree with a major in nursing.
- B. The administrator shall have comparable status with other program administrators in the parent institution and shall report directly to an academic officer of the institution.
- C. The administrator shall:
1. Administer the nursing education program;
  2. Facilitate and coordinate activities related to academic policies, personnel policies, curriculum, resources, facilities, services, and program evaluation;
  3. Prepare and administer the budget;
  4. Recommend candidates for faculty appointment, retention, and promotion;
  5. In addition to any other evaluation used by the parent institution, ensure that faculty are evaluated:
    - a. At least every three years,
    - b. By the nurse administrator or a nurse educator designated by the nurse administrator, and
    - c. In the areas of teaching ability and nursing knowledge and skills.
  6. ~~Maintain policies or procedures that promote safe patient care during student clinical experiences~~ Maintain, enforce and evaluate written policies and procedures that provide that all students, faculty, and preceptors who participate in clinical practice settings are physically and mentally able to provide safe client care; and
  7. Participate in activities that contribute to the governance of the parent institution.
- D. The administrator of the nursing program shall not teach more than 45 contact hours per academic session.

**R4-19-204. Faculty; Personnel Policies; Qualifications and Duties**

- A. A nursing program shall implement personnel policies for ~~full- and part-time didactic and clinical~~ nursing faculty members that conform to those for other faculty members of the parent institution or provide a written explanation of any differences.
- B. ~~A nursing program shall have written policies concerning the teaching load for nursing faculty that consider the following factors:~~
- ~~1. The number and level of students enrolled;~~
  - ~~2. The curriculum plan;~~
  - ~~3. The activities and responsibilities required of the faculty including student contact hours; and~~
  - ~~4. The number and geographic locations of clinical laboratory facilities.~~
- A nursing program shall provide the number of qualified faculty members comparable to that provided by approved programs of equivalent size and program type, or, in the case of no equivalent program, a number scaled relative to an approved program.
- C. The parent institution of a nursing program shall ensure that the ratio of students to nursing faculty while involved in the ~~direct care of patients shall be no~~ is not more than ~~10~~ ten to one.
- D. The faculty shall supervise all students in clinical areas in accordance with the acuity of the patient population, clinical objectives, demonstrated competencies of the student, geographic placement of the student, and requirements established by the clinical agency.
- ~~D-E.~~ The parent institution of a nursing program shall ensure that every professional nursing program faculty member ~~has a professional nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15~~ holds a current Arizona registered nurse license in good standing or multi-state privilege to practice in Arizona under A.R.S., Title 32, Chapter 15 and that every faculty member meets one of the following:
1. If providing didactic instruction:
    - a. At least two years of experience as a professional nurse providing direct patient care; and
    - b. A graduate degree. The majority of the faculty members of a professional nursing program shall hold a graduate degree with a major in nursing. If the graduate degree is not in nursing, the faculty member shall hold a minimum of a baccalaureate degree in nursing; or
  2. If providing clinical instruction, as defined in R4-19-206, only:
    - a. The requirements for didactic faculty, or
    - b. A baccalaureate degree with a major in nursing and at least three years of experience as a professional nurse providing direct patient care.
- ~~E-F.~~ The parent institution of a nursing program shall ensure that each practical nursing program faculty member has:
1. A minimum of a baccalaureate degree with a major in nursing,



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2. A professional nurse license that is active and in good standing under A.R.S. Title 32, Chapter 15, and
3. At least two years of experience as a professional nurse providing direct patient care.

~~F.C.~~ The nursing faculty, together with the program administrator, shall participate in the following:

1. ~~Developing, implementing, and evaluating~~ Develop, implement, and evaluate the program of learning; and
2. ~~Developing~~ Develop and implement standards for the admission, progression, and graduation of students; and
3. ~~Providing for the supervision of students in all clinical experiences.~~

**R4-19-205. Students; Policies and Admissions**

- A. A nursing program shall have written policies available to students and the public regarding admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, ~~or and~~ dismissal, that consider the following:
1. ~~Faculty to student ratio;~~
  2. ~~Educational facilities and resources to accommodate the number of students; and~~
  3. ~~Capacity of clinical agencies to provide learning experiences.~~
- B. A nursing program shall have written policies available to students that address student rights, responsibilities, grievances, health, and safety.
- C. A nursing program shall provide accurate and complete information to all students and prospective students about the program including, but not limited to:
1. The nature of the program, including course sequence, prerequisites, co-requisites and academic standards;
  2. The length of the program;
  3. The current cost of the program;
  4. The transferability of credits to other public and private educational institutions in Arizona; and
  5. Program teaching methods and supporting technology.

**R4-19-206. Curriculum**

- A. For the purposes of this Section, "clinical instruction" means the guidance and supervision provided by a qualified faculty member or designee while a nursing student is providing patient care.
- ~~AB.~~ A nursing program shall develop and implement a curriculum that includes level objectives, course objectives, measurable learning outcomes for each class session, and course content outlines for each course that:
1. ~~Reflects~~ Reflect its mission and goals;
  2. ~~Is~~ Are logically consistent between and within courses; and
  3. ~~Is~~ Are designed so that a student who completes the program will have the knowledge and skills necessary to function in accordance with the definition and scope of practice specified in A.R.S. § 32-1601 (12) and R4-19-401 for a practical nurse or A.R.S. § 32-1601(13) and R4-19-402 for a professional nurse.
- ~~B.C.~~ A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program.
1. A registered nursing (RN) program shall provide clinical instruction that includes, at a minimum, selected and guided experiences that develop a student's ability to apply core principles of nursing in varied settings when caring for:
    - a. Adult and geriatric patients with acute, chronic, and complex, life-threatening, medical and surgical conditions;
    - b. Patients experiencing pregnancy and delivery;
    - c. Neonates, infants and children;
    - d. Patients with mental, psychological, or psychiatric conditions; and
    - e. Patients with wellness needs.
  2. A practical nursing program (PN) shall provide clinical instruction that includes, at a minimum, selected and guided experiences that develop an understanding of physiological, psychological, pathological, and basic nursing care needs when caring for:
    - a. Patients with medical and surgical conditions throughout the life span,
    - b. Patients experiencing pregnancy and delivery, and
    - c. Neonates, infants, and children in varied settings.
- ~~C.D.~~ A nursing program shall maintain at least a 75% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation. The Board shall issue a notice of deficiency to any program that has a NCLEX® passing rate less than 75% for two consecutive calendar years.

**R4-19-207. Application for Provisional Approval of a Nursing Program**

- A. Before establishing a nursing program, a parent institution shall submit 20 copies of an application for proposal approval to the Board that includes the following information and documentation:
1. Name and address of the parent institution;
  2. Statement of intent to establish a nursing program, including the academic and licensure level of the program; and
  3. Proposal that includes, but is not limited to, the following information:
    - a. Documentation of the present and future need for the program in the state including availability of potential students and need for entry level nurses;

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- b. Potential effect on existing nursing programs in a 50-mile radius of the proposed program;
  - c. Organizational structure of the educational institution documenting the relationship of the nursing program within the institution;
  - d. Accreditation status of the parent institution;
  - e. Purpose, mission, and goals of the nursing program;
  - f. Availability of qualified administrator and faculty;
  - g. Number of budgeted faculty positions;
  - h. Source and description of clinical resources for the program;
  - i. Anticipated student population;
  - j. Documentation of adequate academic facilities and staff to support the nursing program;
  - k. Evidence of financial resources adequate for the planning, implementation, and continuation of the nursing program; and
  - l. Tentative time schedule for planning and initiating the nursing program and the intended date for entry of the first class into the program.
- B.** The Board shall grant proposal approval to any ~~regionally-accredited~~ parent institution that demonstrates:
- 1. The need for a program,
  - 2. The resources to operate a program,
  - 3. The availability of students, ~~and~~
  - 4. The availability and resources to secure a qualified administrator and faculty- and
  - 5. Satisfaction of the accreditation requirements in R4-19-201(A).
- C.** A parent institution that is denied proposal approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for proposal approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- D.** A parent institution that receives proposal approval may submit 20 copies of an application to the Board for provisional approval that includes the following information and documentation:
- 1. Name and address of parent institution; and
  - 2. Plan for compliance with R4-19-201 through R4-19-206, including but not limited to the following:
    - a. Name and qualifications of appointed administrator;
    - b. Names and qualifications of nursing faculty for the first ~~year~~ semester or session of operation at least 60 days before classes begin;
    - c. Final program implementation plan;
    - d. Curriculum, including course outlines, program objectives, and learning outcomes;
    - e. Descriptions of available and proposed physical facilities with dates of availability; and
    - f. List of available clinical facilities within the geographic area, including facility type, size, number of beds, and type of patients.
- E.** Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant provisional approval to a parent institution that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A parent institution that is denied provisional approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- F.** The provisional approval of a nursing program expires 12 months from the date of the grant of provisional approval if a class of nursing students is not admitted by the nursing program within that time. The Board may rescind the provisional approval of a nursing program for a violation of any provision of this Article according to R4-19-211.
- G.** If a nursing program fails to apply for full approval within two years of graduating its first class of students, the Board shall rescind its provisional approval. A nursing program whose provisional approval is rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding the provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**R4-19-208. Application for Full Approval of a Nursing Program**

- A.** A nursing program seeking full approval shall submit an application that includes the following information and documentation:
- 1. Name and address of the parent institution,
  - 2. Date the nursing program graduated its first class of students, and
  - 3. ~~45~~ Twenty copies of a self-study report that contains evidence the program is in compliance with R4-19-201 through R4-19-206.
- B.** Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant full approval for a maximum of 5 years or under R4-19-212, to a nursing program that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A nursing program that is denied full approval may request a hearing by filing

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a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

- C. A nursing program shall apply for full approval within a two-year period after graduating its first class or its ~~initial~~ provisional approval may be rescinded by the Board following notice and an opportunity for hearing.

**R4-19-209. Nursing Program Change**

- A. A nursing program administrator shall receive approval from the Board before implementing any of the following nursing program changes:
1. Changing the mission or goals,
  2. Increasing or decreasing the length of the program,
  3. Adding or deleting a geographical location of the program,
  4. Increasing the student enrollment capacity by more than 20%,
  5. Changing the level of educational preparation provided, or
  6. Transferring the nursing program from one institution to another.
- B. The administrator shall submit 20 copies of the following materials with the request for nursing program changes:
1. The rationale for the proposed change and the anticipated effect on the program administrator, faculty, students, resources, and facilities;
  2. A summary of the differences between the current practice and proposed change;
  3. A timetable for implementation of the change; and
  4. The methods of evaluation to be used to determine the effect of the change.
- C. The Board shall approve a request for a nursing program change if the program demonstrates that it has the resources to implement the change and the change is consistent with R4-19-201 through R4-19-206. A nursing program that is denied approval of program changes may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**R4-19-210. Renewal of Approval of Board-approved Nursing Programs**

- A. An approved nursing program that is not accredited by an approved national nursing accrediting agency shall submit an application packet to the Board at least four months before the expiration of the current approval that includes the following:
1. Name and address of the parent institution,
  2. Current regional accreditation status,
  3. Copy of the current catalog of the parent institution,
  4. Copy of current nursing program policies, and
  5. ~~15~~ Twenty copies of a self-study report that contains evidence of compliance with R4-19-201 through R4-19-206.
- B. Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall renew program approval for a maximum of five years if the nursing program meets the criteria in R4-19-201 through R4-19-206 and if renewal is in the best interest of the public. The Board shall determine the term of approval that is in the best interest of the public.
- C. If the Board denies renewal of approval, the nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6 Article 10 and 4 A.A.C. 19, Article 6.

**R4-19-211. Rescission of Approval of a Nursing Program or a Refresher Program**

- A. The Board shall, upon determining that a nursing program or a refresher program is not in compliance with R4-19-201 through R4-19-214, provide to the administrator a written notice of deficiencies that establishes a reasonable time, based upon the number and severity of deficiencies, to correct the deficiencies. The time for correction may not exceed 18 months.
1. The administrator shall, within 30 days from the date of service of the notice of deficiencies, file a plan to correct each of the identified deficiencies after consultation with the Board or designated Board representative.
  2. The administrator may, within 30 days from the date of service of the notice of deficiencies, submit a written request for a hearing before the Board to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
  3. If the Board's determination is not appealed or is upheld upon appeal, the Board shall conduct periodic evaluations of the program during the time of correction to determine whether the deficiencies ~~are~~ have been corrected.
- B. The Board shall, following a Board-conducted survey and report, rescind the approval of, or restrict admissions of ~~to~~ a nursing program or refresher program if the program fails to comply with R4-19-201 through R4-19-214 within the time set by the Board in the notice of deficiencies served upon the program.
1. The Board shall serve the administrator with a written notice of proposed rescission of approval or restriction of admissions that states the grounds for the ~~rescission~~ proposed action. The administrator shall have 30 days to submit a written request for a hearing to show cause why ~~approval should not be rescinded~~ the proposed action should not

occur. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

2. Upon the effective date of a decision to rescind program approval, the nursing program shall immediately cease operation and be removed from the official approved-status listing. A nursing program that has been ordered to cease operations shall assist currently enrolled students to transfer to an approved nursing program.
- C. In addition to the cause in subsection (A), (B), if the Board determines that the effectiveness of instruction to students is impaired, the Board may rescind approval of or restrict admissions ~~of to~~ a nursing program for any of the following causes:
  1. For a program that was served with a notice of deficiencies within the preceding three years and timely corrected the noticed deficiencies, subsequent noncompliance with the standards in R4-19-201 through R4-19-214; or
  2. Failure to comply with orders of or stipulations with the Board within the time determined by the Board.

**R4-19-212. Nationally Accredited Nursing Programs**

- A. An approved nursing program that is accredited by an approved national nursing accrediting agency shall submit to the Board evidence of initial accreditation and shall submit evidence of continuing accreditation after each reaccreditation review.
- B. The administrator shall submit to the Board any report from a national accrediting agency citing deficiencies or recommendations at the time the report is received by the nursing program.
- C. The administrator of a nursing program shall notify the Board within 10 days of any change in accreditation status.
- D. The administrator of a nursing program that loses its accreditation status or allows its accreditation status to lapse shall file an application for renewal of approval under R4-19-210 within 30 days of loss of or lapse in accreditation status.
- E. Unless otherwise notified by the Board following receipt and review of the documents required by subsections (A) and (B), a nursing program continues to have full-approval status. The administrator of a nursing program that has its continuing approval-status rescinded by the Board may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding continuing full-approval status. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**R4-19-214. Approval of a Refresher Programs-Program**

- A. An applicant for approval of a refresher program for nurses whose licenses have been inactive or expired for five or more years, ~~or nurses under Board order to enroll in a refresher program, or nurses who have not met the requirements of R4-19-312~~ shall submit a completed application that provides all of the following information and documentation:
  1. Applicant's name, address, e-mail address and telephone, and fax number;
  2. Proposed starting date for the program;
  3. Name and curriculum vitae of all instructors;
  4. ~~Complete program outline;~~
  5. ~~Statement describing the facilities, staff, and resources that the applicant will use to conduct the refresher program; and~~
  6. ~~Program curriculum that consists of a minimum of 40 hours of theory and 112 hours of supervised clinical practice for a licensed practical nurse or a minimum of 60 hours of theory and 160 hours of supervised clinical practice for a professional nurse including:~~
    - a. ~~A comprehensive review of basic nursing care concepts and skills to include nursing process and theory medication calculation and administration, and communication;~~
    - b. ~~Medical and surgical nursing;~~
    - c. ~~Update of new nursing care concepts and skills;~~
    - d. ~~Planned and supervised clinical practice experience consistent with course theory and course objectives; and~~
    - e. ~~Program and participant evaluation.~~
  5. ~~A program and participant evaluation plan that includes student evaluation of the course, instructor, and clinical experience; and~~
  6. ~~Evidence of a curriculum that meets the requirements of subsection (B).~~
- B. A refresher program shall implement a curriculum that meets the following requirements:
  1. A minimum of 40 hours of didactic instruction and 112 hours of supervised clinical practice for a licensed practical nurse program;
  2. A minimum of 80 hours of didactic instruction and 160 hours of supervised clinical practice for a professional nurse program;
  3. A planned and supervised clinical experience that is consistent with course goals, and provides an opportunity for the student to demonstrate safe and competent application of program content. Up to 24 of the required clinical hours may be spent in a supervised lab setting;
  4. Curriculum materials, provided to students, including:
    - a. An overall program description including goals; and

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- b. Objectives, content, and hours allotted for each area of instruction:
- 5. Instruction in current nursing care concepts and skills including:
  - a. Nursing process;
  - b. Pharmacology, medication calculation, and medication administration;
  - c. Communication;
  - d. Critical thinking and clinical decision making;
  - e. Delegation, management, and leadership; and
  - f. Meeting psychosocial and physiological needs of clients.
- 6. A refresher program may adapt the curriculum to incorporate content appropriate to specialty and indirect care areas of nursing practice for students who plan to practice in those areas. The clinical experience for such students may include indirect care, consistent with course goals and objectives. The program shall include concepts and skills needed to deliver safe nursing care in any adapted curriculum
- ~~B-C.~~ The Board shall approve a refresher program that meets the requirements of subsection (A), if approval is in the best interest of the public, for a term of four years. An applicant who is denied refresher program approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.
- ~~C-D.~~ The refresher program sponsor shall apply for renewal of approval in accordance with subsection (A) not later than 90 days before expiration of the current approval. The sponsor of a refresher program that is denied renewal of approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
- ~~D-E.~~ The sponsor of an approved refresher program shall provide written notification to the Board within ~~five~~ 15 days of a participant's completion of the program of the following:
  - 1. Name of the participant and whether the participant successfully completed or failed the program,
  - 2. Participant's license ~~or permit number~~, and
  - 3. Date of participant's completion of the program.

**R4-19-215. Distance Learning Nursing Programs: Out-of-State Nursing Programs**

- ~~A.~~ An out-of-state nursing program that plans to provide both didactic and clinical instruction in Arizona shall comply with the application requirements of R4-19-207 and R4-19-208.
- ~~B.~~ A nursing program that delivers didactic instruction by distance education methods shall ensure that the methods of instruction are compatible with the program curriculum plan and enable a student to meet the goals, competencies, and objectives of the educational program and standards of the Board.
  - 1. A distance learning program shall establish a means for assessing individual student outcomes, and program outcomes including, at minimum, student learning outcomes, student retention, student satisfaction and faculty satisfaction.
  - 2. For out-of-state programs, the program shall be within the jurisdiction of and regulated by an equivalent nursing regulatory authority in the state from which the program originates, unless also providing clinical experience in Arizona.
  - 3. Faculty shall be licensed in the state of origination of the distance-learning program.
  - 4. A distance learning program shall provide students with adequate supervised clinical and laboratory experiences so that program objectives are met and didactic learning is validated by supervised land-based clinical and laboratory experiences.
  - 5. A distance-learning program shall provide students with access to technology, resources, adequate technical support, and the ability to interact with peers, preceptors, and faculty.
- ~~C.~~ A program, located in another state or territory of the United States, that wishes to provide clinical experiences in Arizona under A.R.S. § 32-1631(3), shall obtain Board approval before offering or conducting a clinical session. To obtain approval, the program shall submit a proposal contains:
  - 1. A self study, describing the program's compliance with R4-19-201 through R4-19-206; and
  - 2. A statement regarding the anticipated effect on clinical placements for students currently enrolled in an Arizona-approved nursing programs.
- ~~D.~~ The Board may require a nursing program approved under this Section to file periodic reports for the purpose of data collection or to determine compliance with the provisions of this Article. A program shall submit a report to the Board within 30 days of the date on a written request from the Board or by the due date stated in the request if the due date is after the normal than 30-day period.
- ~~E.~~ The Board shall approve an application to conduct clinical instruction in Arizona that meets the requirements in A.R.S. Title 32, Chapter 15, and this Chapter, and is in the best interest of the public. An applicant who is denied approval to conduct clinical instruction in Arizona may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S.

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Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

- E.** The Board may rescind an approval held by an out-of-state nursing program to conduct clinical instruction in Arizona, in accordance with R4-19-211.